REMARKS

Claims 1-7 and 10-18 are pending in the application. By this Amendment, claims 1, 6-7, 11-12 and 15 are amended for clarity (and are unrelated to issues of patentability).

Entry of this Amendment is proper under 37 C.F.R. §1.116 because the amendments: a) place the application in condition for allowance for the reasons set forth below; b) do not raise any new issues that require further search and/or consideration; and/or c) place the application in better form for an appeal should an appeal be necessary. More specifically, the above amendments are merely for clarity and do not raise any new issues. The amendments are provided at this time in an attempt to clarify the claim language. Entry is therefore proper under 37 C.F.R. §1.116.

The Office Action rejects claims 12 and 17 under 35 U.S.C. §112, second paragraph. It is respectfully submitted that the above amendment to claim 12 obviates the grounds for rejection. Withdrawal of the rejection is respectfully requested

The Office Action rejects claims 1-7 and 10-18 under 37 U.S.C. §103(a) over U.S. Patent Publication 2002/0155831 to Fodor et al. (hereafter Fodor) in view of U.S. Patent 5,913,041 to Ramanathan et al. (hereafter Ramanathan). The Office Action also rejects claims 1-7 and 10-18 under 35 U.S.C. §103(a) over U.S. Patent 6,317,639 to Hansen in view of U.S. Patent 6,842,768 to Shaffer et al. (hereafter Shaffer). The rejections are respectfully traversed.

Independent claim 1 recites <u>storing</u> a data file and <u>transfer conditioning information thereof received from a first mobile terminal</u> connected through the mobile communication

network. Independent claim 1 also recites checking response information sent from a second mobile terminal answering to said information for transferring the data file, and transferring the data file to the second mobile terminal based on the checked result, wherein said transfer conditioning information includes a blocking time period set in the first mobile terminal of when to block a file transfer by the first mobile terminal.

The Office Action states (on page 3) that Fodor does not disclose the transfer conditioning information including a blocking time period set in the first mobile terminal of when to block a file transfer by the first mobile terminal. The Office Action then cites Ramanathan's col. 11, line 43-col. 12, line 5 for features relating to the claimed transfer conditioning information including a blocking time period set in the first mobile terminal. However, the cited section of Ramanathan does not teach or suggest the alleged features.

Ramanathan relates to a management system that may calculate data throughput to remote sites 12, 14 and 16. See the throughput monitor 52 in Figure 1. Ramanathan also discloses that log information may be filtered to calculate data transfer rates. See, for example, col. 6, line 65-col. 7, line 2. Additionally, the cited section of Ramanathan's col. 11, line 43-col. 12, line 5 does not correspond to a blocking time period. Accordingly, Ramanathan does not relate to a blocking time period and/or a blocking time period set in a first mobile terminal. Rather, Ramanathan merely discloses that a throughput monitor 52 may calculate data transfer rates. Ramanathan also does not relate to file transfer between a first and second mobile

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terminals. Therefore, there is no suggestion for "a blocking time period...of when to block a file transfer by the first mobile terminal."

Accordingly, Fodor and/or Ramanathan do not teach or suggest storing a data file and transfer conditioning information thereof received from a first mobile terminal connected through the mobile communication, wherein the transfer conditioning information includes a blocking time period set in the first mobile terminal of when to block a file transfer by the first mobile terminal, as recited in independent claim 1.

Additionally, the Office Action states (on page 8) that Hansen also does not teach features relating to the transfer conditioning information including a blocking time period. The Office Action then cites Shaffer's col. 5, lines 30-50 for these missing features. However, these cited sections of Shaffer merely relate to a user deciding between different download times in which to download files. See Shaffer's Figure 3, step B2. This does not teach or suggest the transfer conditioning information including a blocking time. Furthermore, this does not teach or suggest the transfer conditioning information including a blocking time period <u>set in the first mobile terminal of when to block a file transfer by the first mobile terminal</u>.

Accordingly, Hansen and/or Shaffer do not teach or suggest storing a data file and transfer conditioning information thereof received from a first mobile terminal, wherein the transfer conditioning information includes a blocking time period set in the first mobile terminal of when to block a file transfer by the first mobile terminal, as recited in independent claim 1.

For at least the reasons set forth above, the applied references, either alone or in combination, do not teach or suggest all the features of independent claim 1. Thus, independent claim 1 defines patentable subject matter.

Independent claim 7 recites <u>storing</u> a data file and <u>transfer conditioning information thereof received from a first mobile terminal</u> connected through the mobile communication network, and selecting one among the stored data files based on the stored transfer conditioning information. Independent claim 7 also recites transferring the selected data file to a second mobile terminal specified as a destination of the selected file, wherein <u>the transfer condition information includes information of a blocking time period of when to block a file transfer</u>, and wherein said selecting includes selecting one data file whose transfer blocking time period is closest to a current time. For at least similar reasons as set forth above, the applied references do not teach or suggest these features. Thus, independent claim 7 defines patentable subject matter.

Independent claim 12 recites requesting a <u>blocking time period be set in a first mobile terminal during which a file transfer is blocked</u>, selecting a file to transfer to a second mobile terminal, and receiving by the second mobile terminal, a display message indicating the file selected by the first mobile terminal is ready for transfer at a time not within the blocking time period, said display also including a size of the file to be transferred. Independent claim 12 further recites delaying the file transfer until the second mobile terminal is connected to an external apparatus having a sufficient memory capacity to store the size of the file to be transferred. For at least similar reasons as set forth above, the applied references do not teach or

suggest these features. Ramanathan and Shaffer do not teach or suggest requesting a blocking time period be set <u>in a first mobile terminal</u> during which a file transfer is blocked. Thus, independent claim 12 defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 1, 7 and 12 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-7 and 10-18 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.
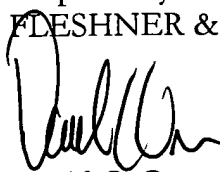
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is

hereby made. Please charge any shortage in fees due in connection with the filing of this,

concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and

please credit any excess fees to such deposit account.

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Respectfully submitted,

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Date: March 24, 2006

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